

Remarks

In response to the final office action mailed September 29, 2004, the Applicants respectfully request reconsideration of the rejections and that the case pass to issue in light of the remarks below.

The Examiner has set forth the following rejections: (1) claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.P.N. 6,196,613 to Arai (hereinafter 'the Arai patent'); and (2) claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Arai patent in view of U.S.P.N. 6,688,666 to Neale (hereinafter 'the Neale patent').

The Examiner has allowed claim 20 and indicated that claims 3-11 and 13-19 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims from which they depend.

Rejection of claims 1 and 2 Under 35 U.S.C. § 102(b)

Independent claim 1 includes, in part, a track assembly for supporting a seat cushion assembly and a seat back assembly in a vehicle. In particular, the track assembly permits movement of the seat cushion and seat back assemblies between a use position and a stadium position without disengaging the seat back assembly from the track assembly.

The Examiner asserts that the Arai patent discloses the above-identified limitation of independent claim 1. The Examiner is mistaken. The Arai patent fails to disclose that the seat back assembly remains engaged to the seat rack assembly when moved from the use position to the stadium position.

The Arai patent teaches the following:

A lower-end **roller 13**, which is projected to the vehicle transverse direction outer side, is provided to a **lower end of the seat back 16, and the lower-end roller 13 is engaged with the slide rail 3** slidably to the rear and front sides. (Col. 5, ll. 10-13)

The front roller 18 of the seat cushion 15 and the **lower-end roller 13 of the seat back 16** can be slid to the front-and-rear direction in the slide rail 3, and the bracket 8 stands in a range where it does not interfere with the front roller 18 and the lower-end roller 13. (Col. 5, ll. 30-35)

A notched section 23 where the **lower-end roller 13 can be taken in and out** is formed in the upper portion of the slide rail 3 within a moving range of the lower end-roller 13 in the slide rail 3 (see FIG. 7). (Col. 5, ll. 36-40)

Clearly, the roller 13 of the seat back 16 is removed from the rail 3 when the seat back 16 is moved to a stadium position. As such, the Arai patent cannot teach that the track assembly permits movement of the seat cushion and seat back assemblies between a use position and a stadium position without disengaging the seat back assembly from the track assembly.

Accordingly, the Arai patent fails to disclose each limitation recited in claims 1 and 2. Consequently, the Applicants respectfully request the Examiner to withdraw the rejections and to pass this case to issue.

Rejection of claim 12
Under 35 U.S.C. § 103(a)

Claim 12 includes limitations similar to those recited above in independent claim 1 with respect to moving the seat back assembly to the stadium position without disengaging the seat back assembly from the track assembly. The Applicants respectfully submit that the Arai and Neale patents fail to disclose these features. As described above, the Arai patent requires the seat back assembly to be disengaged from the track in order to move the seat back assembly to the stadium seat position. The Neale patent fails to make up for this deficiency of the Arai patent. Consequently, independent claim 12 is patentable and nonobvious over the Arai and Neale patents.


Conclusion

For the foregoing reasons, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully request to pass this case to issue. The Examiner is invited to contact the undersigned if it would further prosecution of this case to issue.

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Respectfully submitted,
Mohammad Saberan

By 
John R. Buser
Reg. No. 51,517
Attorney/Agent for Applicant

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351